

By Congressman Sanford D. Bishop, Jr.

On December 2, 2010, the U.S. House of Representatives voted 333 to 79 to censure Representative Charles Rangel of New York, the former Chairman of the powerful tax-writing House Ways and Means Committee. Just moments earlier, the House defeated by a vote of 267 to 146 a motion to impose the less severe punishment of reprimand.

In the days since these momentous votes, a number of my constituents have approached me and asked why I voted to reprimand Representative Rangel and not to censure him. After all, he was found guilty on 11 of the 12 charges against him by the adjudicatory subcommittee of the House Ethics Committee.

No one can dispute that these are serious charges. In fact, I believe it is clear that Representative Rangel violated House rules and other applicable standards. He exercised poor judgment and has brought shame upon himself and the entire United States House of Representatives.

Representative Rangel therefore deserved to be punished for his conduct. I do not believe, however, that the penalty of censure was either fair or just, especially considering precedents.

Since 1979, only four Members (excluding Rangel) were censured by the full House for serious violations including:

- Mail fraud and making false payroll statements (Rep. Charles Diggs – 1979);
- Not disclosing a gift from a foreign government and appropriating campaign funds for personal use (Rep. Charles Wilson – 1980); and
- Sexual misconduct with underage House pages (Reps. Gerry Studds and Daniel Crane – 1983).

Representative Rangel's violations simply do not rise to this level.

In addition, Blake Chisam, the Staff Director and Chief Counsel of the House Ethics Committee, testified under oath that he saw no evidence of corruption and said that Representative Rangel took no steps to enrich himself based on his position in Congress.

Furthermore, the nine Members who have been reprimanded since 1976 were penalized for mistakes and misunderstandings of legal standards and the scope of official duties similar to Representative Rangel's case. The misconduct for which the nine Members have been punished include:

- Failure to disclose certain personal interests in official matters and using one's office to further one's personal gains (Rep. Robert L.F. Sikes – 1976);
- Misrepresentations to investigating committees (Rep. Charles H. Wilson – 1978);
- Failure to report campaign contributions (Rep. John J. McFall – 1978);
- Conversion of campaign contributions to personal use and false statements before the investigating committee (Rep. Edward J. Roybal – 1978);
- False statements on financial disclosure forms (Rep. George V. Hansen – 1984);
- Ghost voting and maintaining persons on the official payroll not performing official duties commensurate with pay (Rep. Austin J. Murphy – 1987);
- The misuse of one's political influence in administrative matters to help a personal associate (Rep. Barney Frank – 1990); and
- The failure to insure that a Member-affiliated tax-exempt organization was not improperly involved in partisan politics, and for providing inaccurate, incomplete and unreliable information to the investigating committee (Rep. Newt Gingrich – 1997).

The most recent action by the House to reprimand the behavior of a Member involved "interrupting" the President's remarks to the House and Senate. The House found this conduct to be "a breach of decorum" which "degraded the proceedings of the joint session" (Rep. Joe Wilson – 2009).

Given these precedents, and also considering such mitigating factors as Rangel's age, his distinguished military record, and his long public service, I therefore concluded that the penalty of censure was excessive and that a reprimand was more appropriate.

Any Member of the United States House of Representatives will say that one of the most

difficult aspects of his or her job is to discipline one of his or her colleagues. No one that I personally know relishes the prospect of reprimanding, censuring, or even expelling an individual Member. These punishments have the potential of damaging someone's personal reputation, ending a political career, and causing a great deal of anguish among the Member's staff, family, loved ones, and supporters.

Although these penalties may be difficult to impose on a friend or a colleague, they ultimately serve an important purpose. They are necessary to restore public confidence in "The People's House" and to uphold and defend its institutional integrity. In fact, Article I, Section 5, clause 2 of the U.S. Constitution explicitly authorizes Members of Congress to "punish its Members for disorderly Behavior and, with the Concurrence of two thirds, expel a Member." Neither myself nor my colleagues – Democrat or Republican – takes these duties lightly.

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[Appendix Disciplinary Actions Taken by the Full House Against a Member](#)